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Emergency War Measures

Enacted by the Seventy-eighth Legislature
of the State of Maine, together with the
Proclamation by the Governor regarding
the Registration of Aliens; also the Ruling
of the Attorney General's Department
Interpreting the "Explosive Law."



Compiled under the Direction of
THE SECRETARY OF STATE
at Augusta, Maine
April 17, 1917

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Maine Laws, Statutes, etc.

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NOTICE.

In the following pages will be found copies of the various War Measures enacted by the Seventy-eighth Legislature during the closing days of the session. The emergency clause is attached to all but one of these acts—chapter 273—rendering them operative immediately upon their approval. Chapter 273 entitled, "An Act in Relation to Suits in Court, the Parties Whereof being in the Military Service of the United States, or in the State." will not become effective until July 7th.

The Proclamation of Governor Milliken, regarding the Registration of Aliens, and the ruling of the Attorney General's Department, interpreting the so called "Explosive Law" is also published herein.

FRANK W. BALL,
Secretary of State.

Augusta, Maine, April 17, 1917.

STATE OF MAINE

BY THE GOVERNOR

A PROCLAMATION

Whereas, at the session of the legislature beginning January 3, 1917 an emergency act was passed entitled "An Act Relating to the Registration of Information Concerning Aliens."

And Whereas, it is provided in said act that whenever between the United States of America and any foreign country a state of war shall exist the Governor may by proclamation direct and require every subject or citizen of such foreign country within this state to appear within twenty-four hours after such proclamation and from time to time thereafter within twenty-four hours after his arrival in this State before such public authorities as the Governor may in such proclamation direct, and then and there such subject or citizen of such foreign country shall personally register his name, residence, business, length of stay and such information as the Governor may from time to time in such proclamation prescribe and the person in control, whether owner, lessee, manager or proprietor, of each hotel, inn, boarding house, rooming house, building and private residence shall within twenty-four hours after said proclamation notify said public authorities of the presence therein of every said subject or citizen of such foreign country and shall each day thereafter notify such public authorities of the arrival thereat and departure therefrom of every such citizen or subject.

And Whereas a failure to comply with all the requirements of this act is declared to be a misdemeanor punishable by a fine not exceeding one thousand dollars and by imprisonment not exceeding one year or both.

And Whereas, a state of war now exists between the United States of America and The Imperial German Government,—

Now, Therefore, I, Carl E. Milliken, Governor of the State of Maine, by authority of said act, do by this proclamation,

direct and require, that all subjects or citizens of The Imperial German Government shall within twenty-four hours appear before the clerks of the towns where they are located or the boards of registration, if located in cities and register and all other persons shall notify such clerks and boards of registration of the presence of subjects or citizens of The Imperial German Government in any building under their control as provided in this act.



In Witness Whereof, I have caused the seal of the State to be hereunto affixed, at Augusta, this seventh day of April, in the year of our Lord one thousand nine hundred and seventeen, and of the Independence of the United States of America the one hundred and forty-first.

CARL E. MILLIKEN,
Governor

By the Governor:
FRANK W. BALL
Secretary of State.

Registration of Aliens

(In effect March 29, 1917.)

CHAPTER 112.

An Act Relating to the Registration of Information Concerning Aliens.

Whereas in the event of a state of war existing or imminent between the United States of America and any foreign country full information concerning the activities of aliens who are subjects of such foreign country is necessary for the preservation of the public peace and safety, and whereas such state of war may be imminent before the expiration of ninety days after the adjournment of this legislature, and whereas unless this act is passed as an emergency act it cannot take effect until approximately July one, nineteen hundred and seventeen, and whereas therefore an emergency exists within the contemplation of the constitution of the State of Maine and the public peace and safety will be preserved by the enactment of the following act, now therefore,

Be it enacted by the People of the State of Maine, as follows:

Section 1. Whenever between the United States of America and any foreign country a state of war shall exist or shall be imminent the governor may by proclamation direct and require every subject or citizen of such foreign country within this State to appear within twenty-four hours after such proclamation and from time to time thereafter within twenty-four hours after his arrival in this State before such public authorities as the governor may in such proclamation direct and then and there such subject or citizen of such foreign country shall personally register his name, residence, business, length of stay and such information as the governor may from time to time in such proclamations prescribe. The person in control whether owner, lessee, manager or proprietor, of each hotel, inn, boarding house, rooming house, building and private residence shall within twenty-four hours after such proclamation notify such public authorities of the presence therein of every such subject

or citizen of such foreign country and shall each day thereafter notify such public authorities of the arrival thereat and departure therefrom of every such subject or citizen. A failure to comply with all the requirements of any such proclamation or to do or perform any of the acts herein provided shall be a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not exceeding one year or both.

Section 2. This act by reason of the emergency set forth in the preamble thereof shall take effect when approved.

(Approved March 29, 1917.)

Malicious Mischiefs and Trespasses

(In effect March 29, 1917.)

CHAPTER 127.

An Act Amending Section Ten of Chapter One Hundred and Twenty-nine of the Revised Statutes Relating to Malicious Mischiefs and Trespasses.

Whereas the present condition of national affairs may induce ill considered and wanton attempts to be made to injure or destroy dams, canals, mill machinery, power engines and electrical fixtures, bridges and ways, and,

Whereas the present laws of the State of Maine do not provide adequate punishment and penalties for the commission of such wilful and wanton acts, and,

Whereas, the public peace, health and safety render the provisions of the following act in the opinion of the legislature to be an emergency rendering the passage of said act immediately necessary for the preservation of the public peace, health and safety, now therefore,

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section ten of chapter one hundred twenty-nine of the revised statutes is hereby amended by striking out from the tenth and eleventh lines thereof, the words "for not more than three years or by fine not exceeding five hundred dollars," and inserting in place thereof the words 'for any term of years or by fine not exceeding ten thousand dollars,' so that said section as amended shall read as follows:

'Section 10. Whoever wilfully or maliciously injures, removes or destroys any dam, reservoir, canal, trench or their appurtenances, or the gear or machinery of a mill or manufactory; draws off the water from a mill-pond, canal or trench; destroys or injures any engine or its apparatus for the extinguishment of fire, or any posts, glass caps, wires or other material used in the construction and operation of a telegraph, telephone, electric light or electric power line; removes, injures or destroys any public or toll-bridge or places any obstruction on such bridge or on any public road, with intent to injure persons or property passing thereon, shall be punished by imprisonment for any term of years or by fine not exceeding ten thousand dollars.'

Section 2. In view of the emergency cited in the preamble, this act shall take effect when approved.

(Approved March 29, 1917.)

Injuries to Property used for Public Purposes

(In effect March 29, 1917.)

CHAPTER 128.

An Act to Prevent Injuries to Property Used for Public Purposes, and Amending Section Four of Chapter One Hundred and Twenty-nine of the Revised Statutes.

Whereas, the present condition of national affairs may induce ill considered and wanton attempts to be made to injure or destroy public buildings and water works, and

Whereas, the present laws of the State of Maine do not provide adequate punishment and penalties for the commission of such wilful and wanton acts, and,

Whereas, the public peace, health and safety render the provisions of the following act in the opinion of the legislature to be an emergency rendering the passage of said act immediately necessary for the preservation of the public peace, health and safety, now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Section 1. Section four of chapter one hundred and twenty-nine of the revised statutes is hereby amended by striking out all of said section and substituting therefor the following, so that said section as amended shall read:

'Section 4. Whoever knowingly and wilfully destroys or injures any public building, armory, breast work, trench, fortification, wharf, pier or dock or whoever knowingly and wilfully destroys or injures any property, conduit, pipe line, reservoir, structure or apparatus used in supplying water to the public or to any portion thereof, shall be punished by a fine not exceeding five thousand dollars or by imprisonment for any term of years.'

Section 2. In view of the emergency cited in the preamble this act shall take effect when approved.

(Approved March 29, 1917.)

Million Dollar War Appropriation

(In effect April 3, 1917.)

CHAPTER 187.

An Act Authorizing the Issue of Bonds and Notes to the Amount of One Million Dollars to Defray Expenses Incurred to Suppress Insurrection, Repel Invasion or For Purposes of War and Making Appropriations Therefor.

Whereas, in order to prepare for the exigencies which may arise in and to the State of Maine, in the crisis now impending in the foreign relations of the United States, the appropriation of money therefor and the incurring of debt or debts, liability or liabilities, in behalf of the state in excess of the ordinary debt limit of the state are necessary and are emergency measures immediately necessary for the preservation of the public peace, health and safety, now therefore,

Be it enacted by the People of the State of Maine, as follows:

Section 1. The governor and council are hereby directed to render to the government of the United States in the present crisis any and all assistance within the power of the state and for the purpose of suppressing insurrection, repelling invasion or for purposes of war, the governor with the advice and consent of the council may draw his warrant upon any money in the treasury available and not otherwise appropriated, and the treasurer of state may, under the direction of the governor and council borrow upon the credit of the state such sums, not exceeding one million dollars, as may be necessary to carry out the provisions of this act, and for that purpose may issue bonds

and or notes in the name and on behalf of the state, at such rates of interest, in such sums and of such denominations and on such time or times, and to mature at a definite time or serially as the governor and council may determine. Such bonds and or notes shall be signed by the treasurer of state, countersigned by the governor, and attested by the state auditor with the seal of the state affixed, and shall be deemed to be and shall be a pledge of the faith and credit of the state and shall be tax exempt. The coupons attached to any coupon bonds so issued shall bear the facsimile of the signature of the treasurer of state, instead of his original signature. The state auditor shall keep an account of such bonds and or notes, showing the number and amount of each, the date of countersigning, the date when payable, and the date of delivery thereof to the treasurer of state, who shall keep an account of such bonds and or notes, showing the number thereof, the names of the persons to whom sold, the amount received for the same, the date of sale and the date when payable. The treasurer of state may negotiate the sale of such bonds and or notes under the direction of the governor and council in such manner as they may deem most advantageous to the state and the proceeds of the sale of such bonds and or notes shall be held by the treasurer of state and paid by him upon warrants drawn by the governor and council for the purposes of this act, until otherwise ordered by the legislature.

Section 2. The sum of one million dollars is hereby appropriated to be paid out of the treasury of state from any money in the treasury not otherwise appropriated and from the proceeds of any bonds and or notes issued under the provisions of this act to be expended under the direction of the governor with the advice and consent of the council in defraying the expenses incurred in carrying out the purposes of this act.

Section 3. Interest due or accruing upon any bonds and or notes issued under the provisions of this act shall be paid by the treasurer of state from any money in the state treasury not otherwise appropriated, and or from the state contingent fund upon warrants drawn by the governor and council therefor.

Section 4. In view of the emergency cited in the preamble hereof this act shall take effect when approved.

(Approved April 3, 1917.)

Suits in Court against Persons in the Military Service

(Not in effect until July 7, 1917.)

CHAPTER 273.

An Act in Relation to Suits in Court, the Parties Whereto Being in the Military Service of the United States, or of this State.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Any action or contract or review now pending, or which may be commenced against any person, who is or shall be mustered into the service of the United States, or of this state, during the present war, shall at the request of the defendant be continued without cost to either party till his term of service shall expire; provided that the provisions of this act shall not apply to suits and proceedings upon official bonds, or actions where the party mustered into the service of the United States, or of this state, is liable jointly with a partner or person not in such service, nor to any action where the court may be satisfied that great injustice would be done by such continuance.

Section 2. Personal property to the amount of one thousand dollars, other than that held in partnership as above and other than whereon attachment had been made upon mesne process prior to the date of enlistment of the defendant, in addition to that already exempted by law, shall be exempt from attachment or seizure upon execution from and after the date of such enlistment in the service aforesaid, and during his term of service to be designated by the defendant, or his agent or attorney.

Section 3. In all cases in court, or which may be entered in court, during such term of service where a person mustered into the service of the United States, or of this state, is plaintiff, the court at his request may continue such case, as long as the court may think justice would require, and without costs to either party.

Section 4. During his absence from the state, and while continuing in the service of the United States, the operation of any statute of limitations shall be suspended in all matters in which suits may arise in which a person mustered into such service may be either plaintiff or defendant.

(Approved April 7, 1917.)

Appointment of Special Deputy Sheriffs in Time of War

(In effect April 7, 1917.)

CHAPTER 274.

An Act to Provide for the Appointment of Special Deputy Sheriffs.

Whereas, in order to protect and guard the lives and property of the citizens of the state, the appointment of special deputy sheriffs is necessary and is an emergency measure immediately necessary for the public peace, health and safety, now therefore,
Be it enacted by the People of the State of Maine, as follows:

Section 1. Whenever a state of war shall exist or be imminent between the United States and any foreign country, sheriffs may appoint male citizens more than eighteen years of age not eligible for military service as special deputies who shall have and exercise all the powers of deputy sheriffs appointed under the general law except the service of civil process. Such special deputies shall be personally responsible for any unreasonable, improper or illegal acts committed by them in the performance of their duties, but the sheriffs shall not be liable upon their bonds, or otherwise, for any neglect or misdoings of such deputies.

Section 2. Any sheriff appointing such special deputy sheriffs shall notify the clerk of courts and the county commissioners for the county in which such appointments are made giving the names of such deputies and the date of their appointments and such county commissioners shall fix and order paid from the treasury of the county to such deputies a reasonable compensation, not exceeding three dollars and fifty cents per day for the time actually employed together with actual and necessary expenses incurred in the performance of duty.

Section 3. In view of the emergency cited in the preamble hereof, this act shall take effect when approved.

(Approved April 7, 1917.)

Land May be Taken for Military Purposes

(In effect April 7, 1917.)

CHAPTER 275.

An Act Authorizing the Taking of Land for Forts, and Other Purposes.

Whereas, in order to provide adequate means of defense and to discharge the obligations of the State of Maine to the government of the United States, an act authorizing the taking of land for military purposes and the ceding thereof to the federal government is immediately necessary for the preservation of the public peace, health and safety;

Be it enacted by the People of the State of Maine, as follows:

Section 1. The governor by advice of the council, is hereby authorized and empowered, to take in the name of the state, by purchase, lease or deed, or in the manner herein denoted, any land or lands, or rights of way, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, or other military structure or establishment, military connection, way or railroad, with all necessary rights, powers and privileges incident to the use thereof, whenever the governor by and with the advice of the council, may determine that the public exigencies require it; and by and with the advice of the council, he may deliver possession, and cede the jurisdiction thereof to the United States, on such terms and conditions as they deem expedient.

Section 2. When the governor and council determine that a public exigency requires the taking of any land or rights as aforesaid they shall cause the same to be surveyed, located and so described, that the same can be identified, and a plan thereof, with a copy of the order in council, to be filed in the office of the secretary of state, and there recorded. The filing of said plan and copy shall operate to vest the title in the land and rights aforesaid in the State of Maine, or their grantees, to be held during the pleasure of the state, and if transferred to the United States, during the pleasure of the United States.

Section 3. The owner of any land or rights, taken as aforesaid, shall have a just compensation therefor, to be determined as provided for the determination for damages for land taken for highway purposes.

Section 4. The powers herein granted are limited to the first day of March, nineteen hundred nineteen, after which time they cease.

Section 5. In view of the emergency expressed in the preamble hereof, this act shall take effect when approved.

(Approved April 7, 1917.)

Support of Dependent Families of Soldiers and Sailors

(In effect April 7, 1917.)

CHAPTER 276.

An Act to Provide for the Support of Families of Volunteers.

Whereas, suitable provision for the support of dependent members of families of soldiers and sailors in the service of the United States or of this state in the present condition of war is immediately necessary for the preservation of the public peace, health and safety:

Be it enacted by the People of the State of Maine, as follows:

Section 1. The cities, towns and plantations in this state shall raise money by taxation or otherwise, to be applied to aid in the support of the wife, aged, infirm and dependent father, mother, or other member of the household of which a soldier, sailor or marine is the head, and children under the age of fifteen years, being inhabitants of such city, town or plantation. of any soldier, sailor or marine, who may be actually in the military or naval service of the United States or of this state in any recognized company, battalion or regiment of the United States or of this state, or on board of any vessel of the United States during the present war, the money so raised to be expended under the direction of the municipal authorities of said cities, towns and plantations as herein prescribed; there shall be paid in money the sum of four dollars per week for a wife, aged, infirm and dependent father, mother or other member of the household and one dollar and fifty cents per week for each child, under the age of fifteen years, dependent upon such soldier,

sailor or marine: provided, however, that the sum so paid shall not in any case exceed ten dollars per week for all persons dependent on one soldier, sailor or marine, and such aid shall be furnished to such persons as are herein authorized to receive it belonging to the family of any such soldier, sailor or marine killed in battle or by the casualties of war; and such aid may at the discretion of the municipal authorities be furnished to the persons herein authorized to receive it, belonging to the family of any such soldier, sailor or marine who may be discharged from the service in consequence of any disability resulting from the casualties of war and not from his own fault, or who may be disabled as aforesaid and discharged in consequence of the expiration of the time of service, for a period not exceeding one year after such death or discharge; provided, that in case of discharge he shall not sooner recover from such disability.

Section 2. The cities, towns and plantations in this state are hereby authorized and empowered to raise any additional sum or sums of money over and above the amount to be reimbursed by the state, by taxation or otherwise, to aid in the support of the dependent family of such soldier, sailor or marine in the service of the United States, or of this state, as set forth in the first section of this act, in order to provide such support as may be deemed necessary in cases not met or adequately provided for by the provisions of this act.

Section 3. The money so applied by any city, town or plantation, as authorized by the first section of this act, shall be reimbursed from the state treasury to such city, town or plantation.

Section 4. No such reimbursement shall be made in any case, until an account of the expenditures, duly certified and sworn to by a majority of the proper municipal authorities of the city, town and plantation in the state, furnishing the aid as aforesaid, shall be made and filed with the governor and council, which account shall set forth the name of the soldier for whose family expense has been incurred, also the name, age and relationship of each person who received aid and the sum paid for each of said persons. Accounts thus made out and filed within the time hereinafter prescribed, shall be examined by the governor and council, and if found correct and duly vouched shall be approved.

Section 5. Such accounts shall be made up to the first days of July and January in each year, and shall be filed with the governor and council on or before the first days of August and February following and shall be examined and passed upon within thirty days after the date of such filing. If approved, the amounts allowed shall be paid, upon warrants drawn by the governor against any moneys in the treasury not otherwise appropriated and especially the proceeds of bonds or notes authorized by this legislature for war purposes by the state treasurer to the city, town or plantation whose claim has been thus established.

Section 6. No pauper disabilities shall be created by reason of receiving the aid provided for in this act.

Section 7. The word plantation, when it occurs in this act, is intended to include plantations duly organized for any purpose, and any person entitled to the aid provided for in this act, who may reside in any unorganized township in this state, shall receive it in the nearest duly organized city, town or plantation in this state.

Section 8. This act shall not authorize reimbursing money applied to aid the wife, child, parent or dependent member of the household as aforesaid, of any commissioned officer in the military or naval service as aforesaid, or money applied to aid the family of any soldier, sailor or marine who may desert the service, after notice of such desertion shall be received by the city, town or plantation of his residence.

Section 9. The governor and council shall have power to send for persons and papers in order to ascertain the amount due to each city, town and plantation under this act.

Section 10. If any city, town or plantation, or the municipal officers thereof, shall neglect or refuse to comply with the provisions of this act according to its true intent and meaning, and to the satisfaction of the governor and council, such city, town or plantation, or the municipal officers thereof, as the case may be, shall forfeit and pay the sum of one hundred dollars, one half to the use of the aggrieved party and one half to the county where the cause is tried, to be recovered by an action on the case in any court proper to try the same.

Section 11. Any one of the persons named in the first section of this act, as entitled to aid, who shall be temporarily absent

from the state or town without abandoning residence therein, shall receive the aid herein specified, provided application shall be made therefor to the municipal officers of the city, town or plantation of their residence.

Section 12. It shall be the duty of the adjutant general to give notice in all cases of desertions, to the several cities, towns and plantations of the state, of each soldier, sailor or marine residing therein and also in all cases of return from desertion, and also when any non-commissioned officer or private shall be promoted to the rank of a commissioned officer, as soon as he shall receive the knowledge of such promotion, such notice being in each case a simple statement of fact.

Section 13. The secretary of state shall furnish an attested copy of this act to the municipal officers of the several cities, towns and plantations of the state, within twenty days after its approved by the governor.

Section 14. In view of the emergency expressed in the preamble hereof, this act shall take effect when approved.

(Approved April 7, 1917.)

State to Supplement Pay of Soldiers and Sailors

(In effect April 7, 1917.)

CHAPTER 277.

An Act to Provide State Pay for Soldiers and Sailors in the Volunteer Service of the United States.

Whereas the pay allowed by the national government to enlisted men under existing laws and regulations is not sufficient to adequately recompense the volunteers and,

Whereas increased pay for the soldiers and sailors enlisted in the National Guard of Maine or in the naval service of the United States is immediately necessary for the preservation of the public peace, health and safety in the present condition of war and until the pay allowed by the national government is increased

Be it enacted by the People of the State of Maine, as follows:

Section 1. There shall be allowed and paid out of the treasury of the State of Maine to each non-commissioned officer, soldier, sailor and marine mustered into the military

service of the United States as a part of the quota of the state or enrolled in the naval service for service in the United States or in any foreign country, a sum not in excess of ten dollars a month, as may be necessary, in order that every such non-commissioned officer, soldier or sailor shall receive from the United States and this state in the aggregate the sum of twenty-five dollars per month.

Said amount shall be payable monthly at the office of the adjutant general, and shall date from the enrollment or muster-in to the United States service of said non-commissioned officer, soldier, sailor or marine, and shall continue until the first day of March, nineteen hundred and nineteen, unless the service is sooner terminated. The supply officer of each organization shall submit to the adjutant general payrolls certified to by him as correct, and the amount found necessary as above shall be paid by the adjutant general by check to the enlisted man, or if he so directs in writing, to any member of his family.

Section 2. For the purpose of meeting the expenses authorized by this act, the governor is hereby authorized to draw his warrant for said expenses against any moneys in the treasury not otherwise appropriated.

Section 3. In view of the emergency expressed in the preamble hereof, this act shall take effect when approved.

(Approved April 7, 1917.)

Maine Home Guard

(In effect April 7, 1917.)

CHAPTER 278.

An Act to Provide for the Organization of the Maine Home Guard, During the Continuance of the War with Germany.

Whereas, during the present war with Germany, the creation and maintenance of an organized Home Guard separate and distinct from the National Guard of the State of Maine, is immediately necessary for the preservation of the public peace, health and safety,

Be it enacted by the People of the State of Maine, as follows:

Section 1. The commander-in-chief may during the continuance of the war with Germany, raise by voluntary enlistment

and organize the Maine Home Guard from among the citizens of the United States over thirty-five years of age, who are inhabitants of this State.

Section 2. The home guard may be of such numbers and shall be so organized, maintained, officered, armed, and equipped, and enlisted for such service within the state, for such time and on such terms as the commander-in-chief may by executive order determine from time to time. When called for service the home guard shall have such duties as shall be established by order of the commander-in-chief, and all members of the home guard shall have and exercise throughout the state all the powers of constables, except the service of civil process, and all the powers of police officers and watchmen. The compensation of officers and men of the home guard, when called by executive order for service and while on such service, shall be fixed by the commander-in-chief, and shall in no event exceed the compensation of officers and men of the national guard of like grade.

Section 3. The commander-in-chief may appoint officers for such units and organizations of the home guard as he may establish and such officers shall, subject to removal by the commander-in-chief unless and until their successors are appointed, as provided by the statutes of the state, exercise the same military authority over their several commands as that specified by the statutes of Maine for duly chosen officers of organized militia of the state.

Section 4. The provisions of paragraphs one hundred sixteen and one hundred twenty-seven of the "Act to Revise the Military Law" of nineteen hundred seventeen, shall not apply to the home guard herein provided for.

Section 5. All provisions of law relative to the compensation of members of the National Guard injured in the discharge of their duty shall apply to members of the Maine Home Guard.

Section 6. In view of the emergency expressed in the preamble hereof, this act shall take effect when approved.

(Approved April 7, 1917.)

Executive's Authority in Time of War Increased

(In effect April 7, 1917.)

CHAPTER 284.

An Act to Provide for the Better Defense of the State and for the Discharge of its Duties Towards the National Defense.

Whereas, conditions now exist within our state and nation which require an organization to be used at the discretion of the governor to insure and continue the domestic peace and especially to protect bridges, water powers, factories and other structures which might be made the especial objects of attack, and

Whereas, such a measure is immediately necessary for the preservation of the public peace, health and safety,

Be it enacted by the People of the State of Maine, as follows.

Section 1. For the purpose of suppressing insurrection, repelling invasion and for purposes of war and in order that he may be able effectively, to discharge the duty imposed upon him by the constitution, to provide for the safety and defense of the state and for the discharge of its duties toward the national defense as one of the United States during the existence of a condition or state of war between the United States and any foreign country, the governor shall have the following powers in addition to those now vested in him under the constitution and existing laws.

Section 2. Whenever he deems it expedient for the safety of the state or the protection of all or any of the persons or property therein, he may enroll as many special constables as he may deem necessary, prescribe their compensation, may provide by regulation for their organization, equipment, time of service, and duties, and may appoint from their number suitable persons to act as officers of such special constables, and may prescribe the powers and duties of such officers in respect to their several commands.

Section 3. Special constables appointed under section two of this act shall have and exercise throughout the State all the powers of constables (except the service of civil process), and all the powers of police officers and watchmen.

Section 4. All provisions of law relative to the compensation of members of the militia injured in the discharge of their duty shall apply to special constables enrolled under the provisions of this act.

Section 5. Whenever the governor shall believe it necessary or expedient for the purpose of better securing the public safety or the defense of the state, he may take possession:

(a) of any buildings, machinery or equipment.

(b) of any horses, carriages, automobiles, aeroplanes, rolling stock of steam or electric railroads or of street railways, wharves, ships, boats, or any other means of conveyance.

(c) of any provisions for man or beast, and any fuel, gasoline or other means of propulsion, which may be necessary or convenient for the use of the military or naval forces of the state or of the United States, or for the better protection of the state or its inhabitants. He may use and employ all property so taken possession of for the service of the state, for such times and in such manner as he shall deem for the interests of the state. He may award reasonable compensation to the owners of any property of which he may take possession under the provisions of this section and for its use, and for any injury thereto or destruction thereof caused by such use.

Section 6. Any owner of property of which possession has been taken under section four of this act, who is dissatisfied with the amount awarded him by the governor as compensation, may file a petition in the supreme court in term time or vacation, to have the amount to which he is entitled by way of damages determined, and the supreme judicial court shall have jurisdiction of all claims arising under said section four. Such claims may be enforced by petition stating clearly and concisely the nature of the claim and the damages demanded, and such petition shall be certified by the sheriff of the county of Kennebec or any of his deputies by leaving an attested copy thereof in the hands or in the office of the attorney general and a like copy in the hands or in the office of the secretary of state, thirty days at least before the return date thereof.

Section 7. The petition provided for under section five of this act may be filed either in the county in which the petitioner

lives or has his usual place of business or if the petitioner either lives or has a usual place of business in the state, or in the county of Kennebec. Said petition shall be brought within one year from the date when possession of the property was taken under section four of this act and the supreme judicial court shall proceed thereon under its rules already in effect and to be adopted after the determination of such proceedings.

Section 8. In order to make effective the use of the powers conferred upon the governor by this act and thereby effectually to promote the defense of the state and the discharge of its obligations as one of the United States in respect to the national defense, the governor is hereby authorized, whenever he shall have determined that the circumstances exist which legally warrant the exercise by him of all or any of the powers conferred on him in this act, to confer by writings signed by him, upon such officials of the state or any political division thereof or such officers of the military or naval forces of the state or such other person or persons as he may select full power and authority to do in his name whatever may be necessary or convenient to carry such powers into effect. He may revoke such written authority at any time.

Section 9. The governor shall have full power and authority to co-operate with the federal authorities and with the governors of other states in matters pertaining to the common defense and with the military and naval forces of such other states and with the constabulary police and registration officials of such states, and in particular may issue regulations under the act heretofore by this legislature enacted governing the registration of aliens, for the purpose of assisting such other states in the enforcement of similar registration statutes, and may in time of emergency confer upon the constabulary or police of such other states the powers of special constables under section three of this act with authority to exercise such powers in such portions of the state and for such period as he may determine.

Section 10. If any provision of this act shall be held unconstitutional the rest shall nevertheless be given full force and effect, it being the intention of the legislature that all or as many as constitutionally possible of the powers enumerated in this act shall vest in the governor.

Section 11. The powers herein granted are limited to the first day of March in the year nineteen hundred nineteen, after which they shall cease.

Section 12. In view of the emergency expressed in the preamble of this act it shall take effect when approved.

(Approved April 7, 1917.)

The Explosive Law

(In effect April 7, 1917.)

CHAPTER 288.

An Act Regulating the Keeping and Sale of Dynamite, Powder and Other Explosives.

Whereas, the regulation of the keeping and sale of dynamite, powder and other explosives, within the state, is necessary during the existence of war and is an emergency measure immediately necessary for the preservation of the public peace, health and safety, now therefore,

Be it enacted by the People of the State of Maine, as follows:

Section 1. Every person, firm or corporation having or hereafter acquiring the possession or control of dynamite, powder or other explosives, within the state, shall within twenty-four hours after acquiring such possession or control file with the clerk of the town or city in which such explosives be kept or deposited, a written statement under oath setting forth the amount, kind and location thereof and in case of sale or other disposition of any such dynamite, powder or other explosive within the state, the seller shall obtain from the purchaser a signed statement giving the name and address of the purchaser, date of sale, amount of purchase, place of use and purpose intended, which shall be countersigned by the seller and within twenty-four hours after such sale shall be filed together with a recording fee of ten cents, with the clerk of the town or city in which such sale is made and such clerk shall keep a record of such statement and forthwith forward a copy thereof to the secretary of state.

Section 2. All persons, firms or corporations purchasing or otherwise obtaining any dynamite, powder or other explosives from without the state shall within twenty-four hours after re-

ceiving such explosives file with the clerk of the town or city in which such purchaser resides a written statement under oath setting forth the amount purchased, and for what purpose or use the same is intended together with the purchaser's and seller's name and address.

Section 3. Any person failing to comply with any of the provisions of this act shall upon complaint be punished by a fine not exceeding five hundred dollars or by imprisonment for not more than one year.

Section 4. In view of the emergency cited in the preamble hereof this act shall take effect when approved.

(Approved April 7, 1917.)

Ruling of Attorney General's Department

(Interpreting the Explosive Law.)

Chapter 288 of the Public Laws of 1917 requiring record of sales of dynamite, powder and other explosives is an emergency measure and a war measure which was enacted to insure the safety of the citizens of our state. In time of war it is necessary that strict rules and regulations be promulgated and that full compliance therewith be enforced even though in some instances inconvenience results to the individual citizen. Public safety requires immediate and full knowledge on the part of the authorities of the existence of explosives which might by evil disposed persons be used to endanger life and destroy property.

The term explosive is defined by the authorities as any compound or mixture susceptible to explosion or to chemical reaction or which will by decomposition or combustion generate gases with such rapidity that it can be used for blasting or in firearms. By statutory construction the term has been defined to include gunpowder, nitroglycerin, guncotton, blasting powder, fulminate of mercury or other metals, or any substances intended to be used, by exploding or igniting the same, to produce force, to propel missiles or to rend apart substances and to include fuses, percussion caps, detonators, cartridges and ammunition of all kinds.

Powder or other explosives in rifle or revolver cartridges or shotgun shells are not less dangerous to public safety than they are in loose and unconfined form and not to include fuses, per-

cussion caps, dynamite caps, dynamite exploders, detonators, cartridges and ammunition of all descriptions within the requirements of this act would afford opportunity for evasion of the restrictive and protective purposes of this act.

"Dynamite, powder or other explosives" as used in Chapter 288, Public Laws of 1917, must be construed to include not only dynamite and powder, but any compound or mixture generally intended to be used, by exploding or igniting the same, to produce a force either to propel missiles, or to rend apart substances and to include fuses, percussion caps, dynamite caps, dynamite exploders, detonators, cartridges and ammunition of all descriptions.

Persons in possession or control of, or selling or purchasing any explosive substances regardless of amount or form thereof must comply with the provisions of Chapter 288 or be subject to the punishment and penalties therein provided.

Enrollment of Militia

(In effect April 7, 1917.)

CHAPTER 259.

An Act to Revise the Military Law (Sections 4, 5 and 6).

Section 4. All male citizens who are more than eighteen and less than forty-five years of age, excepting idiots, lunatics, paupers, vagabonds, habitual drunkards, and persons convicted of infamous crimes, and who are resident in this state, shall, whenever the governor may deem necessary, be enrolled by the assessors in the several cities, towns and plantations in which they reside, in such manner and according to such regulations as the governor shall prescribe. On such enrollment and opposite the name of each person who is exempt from duty under section three or who is serving in the active militia, or who is unable by reason of physical disability to perform military duty, the assessors shall write the word "exempt" and state in each case the cause of exemption. The assessors shall subscribe said list and make oath that the same is true to the best of their knowledge and belief; and shall file the same with the clerk of the city, town or plantation forthwith; and each clerk

shall, within ten days, make a certified statement of the total number enrolled, the number marked exempt, the number belonging to the active militia and the number marked disabled, and forward the same to the office of the adjutant general. Any person claiming exemption shall satisfy the enrolling officer of his right thereto and in case of doubt the burden of proof shall be upon the person claiming exemption, and the enrolling officer may require him to submit to examination on oath and may administer such oath.

Section 5. Any person knowingly and wilfully refusing information or giving false information to an assessor or other authorized person making the enrollment, respecting the name, age, residence, occupation, military service, physical or mental condition, or other proper subject of inquiry, of himself or any person within his knowledge liable to be enrolled, shall for each such concealment, refusal, or giving of false information be guilty of a misdemeanor. The officer making the enrollment shall, within ten days, report all persons violating this section to the adjutant general.

Section 6. Any assessor neglecting or refusing faithfully to perform the duties of enrolling officer as required by law, or making any false entry upon said rolls, or committing any other fraud therein, and any clerk neglecting to make and forward the statement required by section four, shall be guilty of a misdemeanor. Upon the failure of the assessors to make the enrollment of the militia as required by law, the governor may appoint some person to make it at the expense of the city, town or plantation, and the person so appointed shall have all the powers and be subject to the same duties as are prescribed in the case of assessors.

(Approved April 7, 1917.)

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